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September 22, 2005

TO: Transportation Authority of Marin Commissioners

FROM: Dianne Steinhauser, Executive Director

RE: Amendment to TAM Contract with Nolte Associates, Inc., Agenda Item 7

Dear Commissioners:

Strategy 2 of the Measure A Expenditure Plan specifies the completion of a north-south bicycle way through Puerto Suello Hill to improve bicycle safety. The intent is to include the multi-use as an element of the Puerto Suello Hill segment of the Highway 101 GAP Closure Project (Segment 4). Also a critical feature of the Segment 4 project is the relocation of the soundwall in concert with the path. The soundwall is a critical project feature, necessary to protect adjacent residences from highway noise.

As part of the on-call support services contract with Nolte Associates, Inc., entered into in March 2005, the Nolte team has been providing on-going support in managing the delivery of the 101 Gap Closure Projects as well as the inclusion of a multi-use path and the relocated sound walls in the Segment 4 construction documents, prepared by Caltrans. The Nolte Team has been developing conceptual alignment alternatives for the path, working closely with TAM, SMART, the City of San Rafael, Caltrans, Marin County Bicycle Coalition and other community members to obtain their input. The Nolte Team has also been working on location alternatives for the west-side soundwall. The soundwall and multi-use path must be included in Caltrans Segment 4 project construction documents.

Due to the increased level of effort provided by the Nolte team on the Segment 4 project, the on-call services performed to date are beyond what was originally envisioned in their contract. In addition, we are faced with a critical time constraint. In order for the multi-use path and the soundwall to be included in the construction of Segment 4, which is expected to start in January 2007, the following schedule must be met:

- Complete multi-use path/soundwall design – April 2006
- Environmental clearance – March/April 2006
- Plans to Caltrans headquarters for approval – April 2006
- Caltrans approves project for bid advertisement (Ready to List) – no later than June 30, 2006
- Bid Advertisement – September 2006

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- Award Contract – December 2006
- Start Construction – January 2007

Caltrans must approve the project for bid advertisement no later than June 30, 2006 in order to capture regional funding designated for the project (CMAQ funds). Caltrans must advertise the contract no later than September for work to be completed at the same time the HOV lane south of this Segment is completed. This way, no gap remains in the HOV system, with the entire remaining HOV segment through San Rafael opened at the same time.

In order to meet this tight time line, TAM staff is recommending the Nolte contract be amended to provide environmental clearance documentation, public outreach and the necessary construction document changes to Caltrans bid package for the multi-use path and soundwall relocation. As the Nolte team will be finalizing preliminary design as part of the public outreach effort currently underway, they are uniquely qualified to complete the design work. An alternative strategy to engage in a new contractual process for the design work was considered and rejected by staff as there is not enough time to do this and complete the design in time to incorporate into the Caltrans Segment 4 project documents. Staff does not recommend delaying the 101 Project or attempting to incorporate this work later as a Contract Change Order (CCO) as the soundwall construction is a first order of work on the project and these options may add significant cost to the project.

At this time, staff is requesting the Board authorize staff to negotiate a contract amendment with the Nolte Team. Nolte has agreed to continue to provide assistance with advancing the environmental clearance, public involvement and design of the path and soundwall relocation under the current contract with the expectation an amendment will be negotiated and a final document returned to the Board for approval at either the October or November 2005 TAM Board Meeting. At this time, is anticipated the amendment will be in the range of \$750,000 - \$950,000 for the proposed additional work.

Funding for this amendment will be from the regional CMAQ funds programmed to this project by MTC in May 2005. It is intended SMART will reimburse TAM for all costs associated with relocation of the soundwall. Staff is finalizing an agreement with SMART and will be bringing that agreement to the Board in October or November as well.

Recommendation

Direct staff to proceed with preparation of an amendment to the Nolte & Associates contract in the range of \$750,000 - \$950,000 for design,



environmental clearance and public outreach for the multi-use path and soundwall relocation.